

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HOLOGRAM USA, INC., et al.,)
Plaintiff(s),) Case No. 2:14-cv-00772-GMN-NJK
vs.) ORDER
PULSE EVOLUTION CORPORATION, et al.,) (Docket No. 235)
Defendant(s).)

Pending before the Court is a stipulation to reschedule the mandatory Pre-Claim Construction Settlement Conference, Docket No. 235, which is hereby **GRANTED in part** and **DENIED in part**. The parties submitted a stipulation with five dates on which they are available to attend with the caveat that counsel for Defendants Pulse Evolution Corporation, Pulse Entertainment Corporation, John Textor, and James Rock “is checking into their clients’ availability [to appear] on these dates telephonically.” Docket No. 235, at 2. The stipulation is **DENIED** to the extent that it is seeking an exception to the personal appearance requirement. It is the Court’s strong preference that parties attend settlement conferences in person, and any request for an exception to the personal-appearance requirements will be strictly scrutinized for a showing of compelling justification. No such request has been made, much less granted, in this case.

The Court hereby **CONTINUES** the settlement conference to commence at **10:00 a.m. on August 18, 2015** in the chambers of the undersigned Magistrate Judge, Third Floor, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

1 Unless ordered otherwise, the following individual(s) are required to be present in person for
2 the duration of the settlement conference:

- 3 1. All counsel of record who will be participating in the trial;
- 4 2. All parties appearing pro se;
- 5 3. All individual parties;
- 6 4. In the case of non-individual parties, an officer or representative with binding authority
7 to settle this matter up to the full amount of the claim or last demand made; and
- 8 5. If any party is subject to coverage by an insurance carrier, then a representative of the
9 insurance carrier with authority to settle this matter up to the full amount of the claim or
last demand.

10 **Any request for an exception to the above personal attendance requirements must be filed**
11 **and served on all parties within seven (7) days of the issuance of this order. Such a request will**
12 **be strictly scrutinized for a showing of compelling justification.**

13 **PREPARATION FOR SETTLEMENT CONFERENCE**

14 In preparation for the settlement conference, each party shall submit a confidential settlement
15 conference statement for in camera review. The statement shall contain the following:

- 16 1. A brief statement of the nature of the action.
- 17 2. The names of the people who will attend the settlement conference.
- 18 3. A concise summary of the evidence that supports your theory of the case, including the
19 names of individuals disclosed pursuant to Rule 26(a)(1)(A)(i), the Rule 26(a)(1)(A)(iii) computation
20 of damages, and the Rule 26(a)(1)(A)(iv) insurance information. You must provide all information
21 which documents or supports your damages claims. Copies of medical records or treatment records need
22 not be submitted but, rather, shall be provided in a table or summary format.
- 23 4. Attach to your statement any documents or exhibits which are relevant to key factual or
24 legal issues, including selected pages from deposition transcripts or responses to other discovery
25 requests.
- 26 5. An analysis of the key issues involved in the litigation. The analysis must include a
27 discussion of the strongest points in your case, both legal and factual, and a frank discussion of the
28 weakest points as well. The Court expects you to present a thorough analysis of the key issues and

1 candid evaluation of the merits of your case.

2 6. Identify and explain any obstacles to settlement, e.g. medical liens, statutory caps, or
3 motions pending before the Court.

4 7. The history of settlement discussions, if any, which have occurred in this case. Provide
5 any demands, offers, or offers of judgment that have been made and, if applicable, the reasons they have
6 been rejected. Attach a copy of all settlement correspondence, including all written demands or offers
7 and responses thereto.

8 8. Provide the initial settlement proposal that will be presented at the settlement conference
9 with a justification for any monetary amount. The proposal must include any non-monetary settlement
10 terms that will be presented.

11 The settlement conference statements shall be received in chambers not later than **August 11,**
12 **2015. DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL**
13 **COPIES TO THE CLERK'S OFFICE.**

14 The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and
15 conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor
16 in responding to all of the above-listed questions is required. **The settlement conference statement**
17 **will remain confidential.** If this case does not settle, the settlement conference statement will not be
18 disclosed to the judge who ultimately presides over the trial. Each statement will be securely maintained
19 in my chambers, and will be destroyed following the conference.

20 **In addition to the above requirements, the parties and counsel must be substantially**
21 **prepared to meaningfully participate in the Settlement Conference in good faith.**

22 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ORDER**
23 **WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO SANCTIONS**
24 **UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

25 DATED: June 8, 2015

26
27 
28 Nancy J. Koppe
 United States Magistrate Judge